
SUBSTITUTE SENATE BILL 6104

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Haugen and Swecker; by request of Department of Transportation)

READ FIRST TIME 04/19/05.

1 AN ACT Relating to construction of new vessels for Washington State
2 Ferries; and adding a new section to chapter 47.60 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 47.60 RCW
5 to read as follows:

6 If a single prequalified proposer, or subsequently a single best
7 qualified proposer, emerges from phase one of the competitive, design-
8 build procurement process, the secretary shall make a finding to that
9 effect and may negotiate an agreement under the requirements of this
10 section, in lieu of the process outlined in RCW 47.60.818 and
11 47.60.820.

12 (1) The department and the proposer may enter into negotiations to
13 jointly develop contract specifications and plans, which must adhere to
14 the requirements of RCW 47.60.818(1). The final jointly developed
15 contract specifications and plans must be approved by the department,
16 and must include design, drawings, and specifications at a sufficient
17 level of detail to fully depict the ferries' characteristics and
18 identify installed equipment and systems.

1 (2) The department may reimburse the proposer for the cost
2 associated with the preparation of the jointly developed contract
3 specifications and plans, and may establish a maximum amount of such
4 reimbursement.

5 (3) The department shall conduct ongoing joint reviews with the
6 proposer to consider and critique its designs, drawings, and
7 specifications. These reviews must be held to ensure that the jointly
8 developed construction specifications and plans meet the department's
9 requirements and are responsive to the critiques conducted by the
10 department during the preparation of the jointly developed construction
11 specifications and plans.

12 (4) If, as a result of the periodic technical reviews or otherwise,
13 the department determines that it is in the best interest of the
14 department to modify any element of the department's requirements,
15 including the outline specifications, it shall do so in writing to the
16 proposer.

17 (5) The department may negotiate a contract with the proposer
18 during the preparation of the jointly developed contract specifications
19 and plans. The contract price must be established between the
20 department and the contractor through negotiation based on detailed
21 cost and price information provided by the proposer. To achieve
22 efficiencies the department may negotiate incentives and economic cost
23 sharing between the state and the proposer. In addition to the cost
24 incentives, other incentives may be considered, as determined by the
25 department to be in the best interests of the state. Such incentives
26 may include, but are not limited to, key schedule milestones,
27 technological innovations, performance efficiencies, constructability,
28 and operational value or life-cycle cost.

29 (6) The department shall submit a copy of the contract, the final
30 negotiated price, and supporting information to the office of financial
31 management at least ten days prior to execution of the contract. If
32 the final negotiated price is greater than the legislature's adopted
33 expenditure plan for vessel construction, the department may not
34 execute the contract until the legislature reviews the final proposals
35 and adjusts the expenditure plan accordingly.

36 (7) If the department and the proposer are not able to reach an
37 agreement on the jointly developed contract specifications and plans,

1 the department may republish, revise, or cancel the request for
2 proposals process to serve the best interests of the state.

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